

HOUSE No. 668

By Ms. Candaras of Wilbraham, petition of Gale D. Candaras relative to the penalty for use of a firearm while committing a felony. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO A FELON IN POSSESSION OF A FIREARM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 10G of Chapter 269, as appearing, is hereby amended
2 by striking the following language:— For the purposes of this
3 section, “violent crime” shall mean a conviction, in this or of any
4 other jurisdiction, either federal, state, or territorial, for an offense
5 punishable by imprisonment for a tem exceeding one year, or any
6 act of juvenile delinquency, in this or of any other jurisdiction,
7 either federal, state, or territorial, involving the use or possession
8 of a deadly weapon that would be punishable by imprisonment for
9 such term id committed by an adult, that: (i) has an element the
10 use, attempted use or threatened use of physical force or a deadly
11 weapon against the person of another; (ii) is burglary, extortion,
12 arson or kidnapping; (iii) involves the use of explosives; or
13 (iv) otherwise involves conduct that presents a serious risk of phys-
14 ical injury to another. For the purposes of this section, “serious
15 drug offense” shall mean an offense under the federal Controlled
16 Substances Act, 21 U.S.C. 801, et seq., the federal Controlled
17 Substances Import and Export Act, 21 U.S.C. 951, et seq., or the
18 federal maritime Drug Enforcement Act 46 U.S.C. App. 1901,
19 et seq., for which a maximum term of imprisonment for ten years
20 or more is prescribed by law, or an offense under Chapter 94C
21 involving the manufacture, distribution or possession with intent
22 to manufacture or distribute a controlled substance, as defined in
23 section 1 of said chapter 94C, for which a maximum term of ten

24 years or more is prescribed by law, or an offense of any other
25 jurisdiction, state or territorial, involving the manufacture, distrib-
26 ution or possession with intent to manufacture or distribute a con-
27 trolled substance for which a maximum term of imprisonment for
28 ten years or more is prescribed by law.